

**Applicant:** James A. Proctor, Jr.  
**Application No.:** 09/691,874

**REMARKS/ARGUMENTS**

After the foregoing Amendment, Claims 1-2, 7-13, 15-21 and 25 are currently pending in this application. Claims 3-6 and 14 have been canceled without prejudice. Claims 22-24 were previously canceled. Claims 1 and 13 have been amended to include the feature of the offset value between the forward and reverse cycles being determined based on at least one of a volume of message traffic, an availability of channels, and a likelihood of processing and enqueueing of the return messages before a next time slot. Claims 1-2, 7, 13 and 15-21 have been further amended to correct dependencies and improve clarity of the claims. New claim 25 has been added. Applicant submits that no new matter has been introduced into the application by these amendments.

**Claim Rejections - 35 USC §103**

Claims 1-2, 7-9, 13 and 15-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Reese (US Patent No. 6,226,274) in view of Kitade et al. (US Patent Publication 2001/0046219). Claims 10-12 and 19-21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Reese (US Patent No. 6,226,274) in view of Kitade et al. (US Patent Publication 2001/0046219) and in further view of Applicant's Admitted Prior Art (AAPA).

Independent claims 1 and 13 have been amended to include the feature "wherein the offset value is determined based on at least one of a volume of message traffic, an availability of channels, and a likelihood of processing and enqueueing of the return messages before a next time slot". As explained on page 6, lines 22-27:

In another embodiment, the time slots could be staggered by other amounts. Factors affecting the selection of the staggering amount include the volume of message traffic, availability of channels at the base station processor 16 and the subscriber access units 14, and the likelihood of processing and enqueueing the return message before the beginning of the next time slot. For example, if the return messages in one direction were typically processed and enqueued in 16 ms and the return messages were typically processed and enqueued in the opposite direction in 10ms, it would be beneficial to have the cycle corresponding to the 16 ms processing time lead the opposite cycle by 10 ms. In this manner, a new time slot would occur 16 ms. after the previous message was received.

Accordingly, the present claims teach the selection of an offset value for overlap of forward and reverse timeslots that is less than one timeslot and that is determined to reflect traffic volumes, channel availability and the likelihood of processing and queueing delays for a return message.

The Examiner asserts that Reese does not disclose partial time overlap of forward and reverse timeslots. While Kitade et al. discloses overlapping of forward and reverse timeslots by an offset value of 1/2 time slot, Kitade et al. does not teach or suggest determining an offset value base on volume of message traffic, availability of channels, and likelihood of processing and enqueueing of the return messages before a next time slot. Accordingly, Reese and Kitade et al. do not teach

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the features of present claims 1 and 13. The remaining claims are dependent upon claims 1 and 13 which the Applicant believes are allowable over the cited prior art for the same reasons provided above.

Based on the amendments and arguments presented above, withdrawal of the 35 U.S.C. 103(a) rejection of claims 1-2, 7-13 and 15-21 is respectfully requested.

### **Conclusion**


If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

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In view of the foregoing amendment and remarks, Applicant respectfully submits that the present application, including claims 1-2, 7-13, 15-21 and 25 are in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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